

REMARKS

Upon entry of this Amendment, claims 38-74 are pending and under current examination. In the Office Action¹, the Examiner rejected claim 74 under 35 U.S.C. § 101 as being directed to non-statutory subject matter; rejected claims 38-68 and 70-74 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,857,152 (“Everett”) in view of U.S. Patent Application Publication No. 2002/0032506 A1 (“Tokitsu”); and rejected claim 69 under 35 U.S.C. § 103(a) as being unpatentable over Everett in view of Tokitsu, and further in view of U.S. Patent Application Publication No. 2004/0267645 A1 (“Pollari”). Applicants respectfully traverse these rejections for the following reasons.

Rejection of Claim 74 under 35 U.S.C. § 101:

The Office Action asserts that claim 74 is directed to non-statutory subject matter. *See* Office Action, p. 2. In response to this rejection, and without conceding to the Office Action’s assertions regarding alleged non-statutory matter, Applicants have amended claim 74 to recite a computer readable medium encoded with a computer program product. Applicants submit that this amendment overcomes the 35 U.S.C. § 101 rejection, and accordingly respectfully request its withdrawal.

Rejection of Claims 38-68 and 70-74 under 35 U.S.C. § 103(a):

Applicants request reconsideration and withdrawal of the rejection of claims 38-68 and 70-74 under 35 U.S.C. § 103(a) as being unpatentable over Everett in view of Tokitsu.

The Office Action has not properly resolved the *Graham* factual inquiries, as required to establish a framework for an objective obviousness analysis. *See* M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme

¹ The Office Action contains statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicant declines to automatically subscribe to any statements in the Office Action.

Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007). In particular, the Office Action has not properly determined the scope and content of the prior art, at least because the Office Action incorrectly interpreted the content of Tokitsu. Specifically, Tokitsu does not teach or suggest what the Office Action attributes to Tokitsu. In addition, the Office Action has not properly ascertained the differences between the claimed invention and the prior art, at least because the Office Action has not interpreted the prior art and considered both the invention and the prior art as a whole. See M.P.E.P. § 2141(II)(B).

As the Office Action admitted, Everett fails to teach Applicants' claimed "performing said registration operation by establishing a wireless communication link of the long-range type between said moving object and said control center upon activation of said mutual interaction on the wireless short range communication link" (independent claim 38). See Office Action, p. 3. The Office Action then alleged that Tokitsu teaches the above claimed features. See Office Action, pp. 3-4. Applicants respectfully disagree.

Tokitsu does not cure the deficiencies of Everett. For example, the Office Action alleged that Tokitsu's Abstract, paragraph [0032-0034], and Fig. 1 "[i]llustrate roadside unit 3 that communicated with vehicle 1 [through] GPS satellite[s].” Office Action, p. 3 (emphasis added). This is a mischaracterization of Tokitsu. In fact, the description in paragraph [0033] of Tokitsu states that “[e]ach roadside unit 3 communicates with the in-vehicle apparatus 1 through a well known DSRC radio system having a short communication range of about 3 to 30 m.” Tokitsu, par. [0033] (emphasized added). Therefore, the roadside unit 3 does not communicate with vehicle 1 through GPS satellites. Moreover, as Tokitsu discloses, the communication method between a roadside unit 3 and the in-vehicle apparatus 1 is a short range method. See *Id.* In contrast, Applicants' claim 38 recites "performing said registration operation by establishing a wireless

communication link of the long-range type between said moving object and said control center upon activation of said mutual interaction on the wireless short range communication link" (emphasis added), which is clearly different from Tokitsu's teachings.

Thus, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. In view of the reasoning presented above, Applicants therefore submit that independent claim 38 is not obvious over Everett and Tokitsu, whether taken alone or in combination. Independent claim 38 should therefore be allowable.

Independent claim 52, while different in scope, recites elements similar to independent claim 38, and should also be allowable for the same reasons as claim 38. Dependent claims 39-51, 53-68, and 70-74 should also be allowable at least by virtue of their respective dependence from base claim 38 or 52. Accordingly, Applicants request the withdrawal of the 35 U.S.C. § 103(a) rejection.

Rejection of Claim 69 under 35 U.S.C. § 103(a):

Applicants request reconsideration and withdrawal of the rejection of claim 69 under 35 U.S.C. § 103(a) as being unpatentable over Everett in view of Tokitsu alone or further in view of Pollari.

As explained above, Everett and Tokitsu, whether taken alone or in combination, do not render Applicants' independent claim 52 obvious. Pollari does not cure the deficiencies of Everett and Tokitsu, as to independent claim 52, or dependent claim 69. For example, Pollari discloses a wireless terminal and an operator network adapted to enable billing a user for use of an application hosted by the wireless terminal. See Pollari, Abstract. However, Pollari does not disclose or teach anything about a wireless communication link between a moving object and a

control center in its entire disclosure. Thus, the teachings of Pollari are also clearly different from Applicants' claimed "said object communication and control module being further configured for establishing a long range wireless communication link with said control center," as recited in independent claim 52.

In view of the reasoning presented above, Applicants therefore submit that independent claim 52 is not obvious over Everett, Tokitsu, and Pollari, whether taken alone or in combination. Independent claim 52 should therefore be allowable. Dependent claim 69 should also be allowable at least by virtue of its dependence from base claim 52. Accordingly, Applicants respectfully request the withdrawal of the 35 U.S.C. § 103(a) rejection.

Conclusion:

Applicants request reconsideration of the application and withdrawal of the rejections. Pending claims 38-74 are in condition for allowance, and Applicants request a favorable action. If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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